

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
STATEMENT OF REASONS FOR REGULATORY ACTION
(Amended Pre-adoption Statement of Reasons)

Amend Section 679
Title 14, California Code of Regulations
Re: Possession of Wildlife and Wildlife Rehabilitation

- I. Date of Initial Statement of Reasons: February 3, 2006
- II. Date of Pre-adoption Statement of Reasons: April 12, 2006
Date of Amended Pre-adoption Statement of Reasons: May 24, 2006

III. Dates and locations of Scheduled Hearings:

- | | | |
|------------------------|-----------|------------------|
| (a) Notice Hearing: | Date: | February 3, 2006 |
| | Location: | Sacramento |
| (b) Discussion Hearing | Date | April 7, 2006 |
| | Location: | Monterey |
| (c) Discussion Hearing | Date: | May 4, 2006 |
| | Location: | Kings Beach |
| (d) Adoption Hearing: | Date: | June 23, 2006 |
| | Location: | Mammoth Lakes |

IV. Description of Modification of Originally Proposed Language of Initial Statement of Reasons:

The original proposal is modified in eight different sections:

(c)(2)(C)-Change the reference to California Council for Wildlife Rehabilitation to the California Council for Wildlife Rehabilitators.

(e)(2)(A)-Specify the edition the Wildlife Rehabilitation Minimum Standards facilities shall meet. The phrase "most recent edition of the" will be changed to the "2000, Third edition".

(f)(4)-Replace "Any wildlife trapped in towns or cities or removed from under buildings or otherwise taken or trapped because of human conflict shall be immediately released back into the wild, immediately euthanized or disposed of as directed or authorized by the Department" with "Any healthy wildlife

trapped in towns or cities or removed from under buildings as causing damage to crops or property, in accordance with sections 4152 or 4180 of the Fish and Game Code shall be immediately released back into the wild, euthanized or disposed of as directed or authorized by the Department.”

(f)(8)- Only a portion of the section was removed in the original pre-adoption statement of reasons. Remaining sentence removed.

(e)(2)(E)- Add the following additional language at the end of the section: “MOU will be valid for three years. At the end of three years if a permittee wishes to renew a wildlife rehabilitation permit, a permit renewal form FG 542 (Rev 11/05) will be submitted along with a processing fee of \$41.00 pursuant to Fish and Game Code Section 2150.2 and adjusted annually pursuant to Fish and Game Code 713”. The Renewal fee was determined by estimating the amount of time it would take an Associate Biologist to review a Renewal application and to respond to the permittee with a new Memorandum of Understanding. It is estimated that the review process would take approximately 1 hour and twenty- two minutes. The hourly wage for an Associate Biologist is \$30.01. The cost estimate for processing a renewal application is \$41.00.

(f)(6)- add “(when available)” after the word “found” in the third sentence to read – This record shall include the name and address of the person finding the animal, the location where the animal was found (when available), a description of its condition and treatment, the dates it was received and transferred from the facility and the location of its final disposition.

(f)(9)-remove the word “formal” from the second sentence.

V. Reasons for Modification of Originally Proposed Language of Initial Statement of Reasons.

The reference to CCWR was incorrect. The proposed language referred to the group as the California Council for Wildlife Rehabilitation. The correct name for the group is the California Council for Wildlife Rehabilitators.

The original proposal stated that wildlife rehabilitation facilities would have to follow the most recent edition of the Wildlife Care Minimum Care standards. The use of the words “most recent edition” was chosen so that when the manual was updated the department would not have to change the regulation language. The language is now being changed to specify what edition of the manual so that there are no potential unknown conditions that wildlife rehabilitators have to abide by.

The original proposal did not specify any changes to the nuisance animal section; however, clarification language was proposed because

“human/animal conflict” as used in the (f)(4) section when referring to conflict is not consistent with code, is vague and unenforceable. Nuisance wildlife, lawful to trap, is defined in 4152 and 4180 as wildlife causing damage to crops or property.

The entire section of (f)(8) was intended to be removed. However, only the first three sentences were removed in the original pre-adoption statement of reasons; this version deletes the remainder.

The original proposal is modified to add/clarify directions that already-permitted facilities will renew their permits by filling out an Application/renewal form FG542 (Rev 11/05) and paying a processing fee every three years. Many currently permitted facilities were unclear if they were going to be considered new applicants once their permit expired.

The words “when available” were added to the written document requirement so that wildlife rehabilitators would not be in violation of the regulations when they received animals from unknown locations.

The veterinarian of record section was removed because there is already a veterinarian policy in the Wildlife Rehabilitation Minimum Standards and Accreditation Program manual that is adopted in the regulations in Section (e)(2)(A).

The word “formal” was removed from the training section to allow for a wider variety of training classes to be taken by wildlife rehabilitators to count for their yearly mandatory training session.

VI. Summary of Primary Considerations Raised in Opposition and In Support.

See Responses to Public Recommendations to Possession of Wildlife and Wildlife Rehabilitation (attached).

Updated Informative Digest

At the December 9, 2005, Commission meeting in Concord, the Commission was asked by members of the public to take this regulation change proposal off the consent calendar and continue it until the February 3, 2006 meeting to allow interested parties time to have input. Several modifications have been made based on public input, resulting in the submission of this amended pre-adoption statement of reasons.

The proposal is to establish a specific application process (including associated forms) to approve new wildlife rehabilitation facilities. Documentation is required from the applicant to assist the Department in determining the need for such new facilities. The proposal also establishes an inspection and processing fee and describes a consistent process through the use of non-profit organization to conduct inspections.

The proposal identifies specific training requirements to be met by wildlife rehabilitation facilities and their personnel.

Minor editorial changes are made to clarify and update existing regulatory language regarding wildlife rehabilitation care standards.

Existing regulation allows the department to issue a (MOU) Memorandum of Understanding to wildlife rehabilitation facilities that meet the minimum standards set forth in the 1993 Wildlife Rehabilitation Minimum Standards and Accreditation Program (WRMSAP) manual but does not describe a specific application process. The regulation change proposal identifies a specific process (including associated forms) by which the Department can better evaluate the need for such facilities and the applicant's qualifications for conducting wildlife rehabilitation activities. The proposal establishes a non-refundable application processing fee and a one-time facility inspection fee predetermined by the department pursuant to Fish and Game Code Sections 713 and 2150.2. Payment of an application processing and an inspection fee is proposed to offset the cost of reviewing and processing a wildlife rehabilitation permit. The Department has provided information in the proposed Fiscal Impact Analysis (III, (a), 1, of this document).

New wildlife rehabilitation permits will be issued on an "as needed" basis only and will remain subject to approval by the regional manager within the region where the facility would be located. The department will request applicants obtain two letters from already permitted rehabilitation facilities (nearest to the location of the proposed facility). This requirement will allow the department to determine if there is a need for a new facility. A letter of intent will be required as part of the application package to assist the department in assessing the applicants qualifications with regard to education experience and available facilities. Application validity is one year from date of approval; if the facility is not operational in this time frame, the applicant's permit will be revoked. The department is requiring the applicant have a minimum of two years or 400 hours of experience working under a currently-permitted rehabilitation facility. The applicant must

have documentation from the permitted facility that they do have the required hours to make them eligible for a wildlife rehabilitation permit.

This proposal also establishes in regulation the MOU shall be valid for a term not to exceed three (3) years from the date of issuance and will be issued to meet the needs of the specific department/region at the discretion of the regional manager. At the end of the three years when the MOU expires, the applicant may apply for the renewal of the MOU by filling out a Permit/Application Renewal form. Upon the renewal of a permit a non-refundable processing fee will be charged.

The department is updating the regulations to reflect the current standards contained in the most recent edition of the WRMSAP Manual.

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